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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,217	09/18/2003	Adrian C. Soncodi	1497/8/2	8473
25297 7590 01/21/2011 JENKINS, WILSON, TAYLOR & HUNT, P. A. 3100 Tower Blvd. Suite 1200 DURHAM, NC 27707				
EXAMINER				
HARPER, KEVIN C				
ART UNIT		PAPER NUMBER		
2462				
MAIL DATE		DELIVERY MODE		
01/21/2011		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/666,217

## Applicant(s)

SONCODI ET AL.

## Examiner

Kevin C. Harper

## Art Unit

2462

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 11-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 11-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-945)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **Continued Examination Under 37 CFR 1.114**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 21, 2010 has been entered.

### **Response to Arguments**

Applicant's arguments with respect to claims 1-7 and 11-23 have been considered but are moot in view of the new ground(s) of rejection.

### **Claim Rejections - 35 USC § 103**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-2, 5-7, 15-17 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. (US 20050058061) in view of Tester et al. (US 7,286,545) Schneider et al. (US 2004/0063499), Wiget (US 6,640,251) and Huang et al. (US 6,308,282).

I. Regarding claims 1-2, 5-7, 15-17 and 20-21, Shaffer discloses a redundant telephony call processing system comprising active and standby telephony call processing hosts (figs. 1 and 5, items 108; para. 5) in a packet network (item 101) for carrying messages for the processing hosts. Further regarding claim 15, N=1 and a third backup processing host is provided (para. 22, last four lines).

2. However, Shaffer does not specifically disclose that the processing hosts are geographically distributed. Tester discloses that call servers (fig. 1, items 12) are geographically distributed in a packet network (item 10; col. 9, lines 24-40). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have geographically distributed call servers in the invention of Shaffer in order to provide fault tolerance (Tester, col. 9, lines 24-40).

3. Further, Shaffer in view of Tester does not disclose a LAN connecting the call processing hosts via a LAN bridged over a WAN. Schneider discloses geographically distributed servers (fig. 1, items 14, 29) connected to respective LANs (items 18) bridged by a WAN (item 12). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have call processing hosts connected to LANs bridged by WANs in the invention of Shaffer in view of Tester in order to provide a geographically distributed network belonging to a single company (Schneider, para. 3; note: company owning several geographically separated casinos; para. 13, lines 1-10).

4. Further, Shaffer in view of Tester and Schneider does not disclose one IP subnet for the separated segments of a LAN. Wiget discloses separated LAN segments that have the same IP subnet (fig. 1; col. 1, lines 29-31; col. 3, line 66 through col. 4, line 1). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a single IP subnet for separated segments of a LAN in the invention of Shaffer in view of Tester and Schneider in order to provide easy in assigning IP addresses (Wiget, col. 1, lines 29-31).

5. Further, Shaffer in view of Tester, Schneider and Wiget does not disclose the call processing hosts connected to the first and second LANs (or first and/or LAN segments). Huang

discloses a device (item 120) connected to LANs (110A and 110B; col. 1, lines 45-50).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have the call processing hosts in the invention of Shaffer connect to LANs in order to provide fault tolerance for the LAN communications (col. 3, lines 26-31).

Claims 3-4 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer in view of Tester, Schneider and Wiget, as applied to claim 1 or 15 above, and in further view of Glitho et al. (US 2002/0160810).

6. Regarding claim 3-4 and 18-19, Shaffer in view of Tester and Schneider does not disclose SIP proxy servers or media gateway controllers. However, Glitho recognizes that control devices such as SIP proxy servers, media gateway controllers and H.323 gatekeepers are interchangeable (para. 20). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a SIP server or a media gateway controller in the invention of Shaffer in view of Tester and Schneider in order to provide a controller compatible with a particular signaling or control protocol as is known in the art (Glitho, para. 20).

Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer in view of Tester, Schneider and Wiget, as applied to claim 1 above, and in further view of Westfall et al. (US 6,976,087).

7. Regarding claims 11-14, Shaffer in view of Tester and Schneider does not disclose separated LAN segments. Westfall discloses separated LAN segments joined by routers. The segments have different IP subnets. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have separate LAN segments in the invention of

Shaffer in view of Tester and Schneider in order to interconnect private LAN segments (Westfall, col. 5, lines 5-6).

Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. (US 2005/0058061) in view of Tester et al. (US 7,286,545) and Schneider et al. (US 2004/0063499), Wiget (US 6,640,251), Westfall et al. (US 6,979,087) and Chien et al. (US 2002/0165972).

8. Regarding claims 22-23, Shaffer in view of Tester, Schneider Wiget and Westfall disclose a method for routing packets among between geographically separate processing hosts as noted in the rejection of claims 10-14 above. However, Shaffer in view of White, Gordon and Westfall does not disclose using masking to route packets. Chien discloses using subnet masks to route data packets (para. 60). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to use masking in the invention of Shaffer in view of Tester, Schneider and Westfall in order to properly route data within the network (Chien, para. 60).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao, can be reached at 571-272-3174. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see [portal.uspto.gov](http://portal.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin C. Harper/

Primary Examiner, Art Unit 2462

January 18, 2011